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Letter dated 30 July 2008 from the Permanent Representative of Costa Rica to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a copy of the final document of the Ministerial Meeting on International Environmental Governance that was held in New York on 13 May 2008, chaired by Mr. Roberto Dobles, Minister of Environment and Energy of Costa Rica (see annex). The objective of the Meeting was to continue the interactive dialogue on international environmental governance that has taken place in various forums over the past year, and to make progress towards the elaboration of more concrete proposals aimed at strengthening the United Nations Environment Programme as part of United Nations reform.

I should be grateful if you would circulate this letter and its annex as a document of the General Assembly, under agenda item 56.

(*Signed*) Jorge **Urbina**
Permanent Representative of Costa Rica to the United Nations

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Annex to the letter dated 30 July 2008 from the Permanent Representative of Costa Rica to the United Nations addressed to the Secretary-General

[Original: English and Spanish]

Ministerial Meeting on International Environmental Governance

13 May 2008, New York

Chairman's summary

Roberto Dobles
Minister of Environment and Energy
Republic of Costa Rica

Discussions regarding international environmental governance fall within the framework of the United Nations reform measures approved by the Heads of State and Government in the World Summit Outcome Document of September 14th to 16th 2005.

Paragraph 169 of the Outcome Document identifies aspects for further reflection within the current institutional framework of the United Nations activities in environmental matters.

The UN General Assembly initiated a process of examining these issues, which began in 2006. To date, the Ambassadors of Mexico and Switzerland to the United Nations, Mr. Claude Heller and Mr. Peter Maurer, in their capacity as Co-Chairs of the "Informal Consultative Process on the Institutional Framework for United Nations Environmental Activities", have undertaken a series of official consultations with United Nations Member States, in which they presented a Co-Chair's Summary Report in June of 2006, serving as a basis on which to continue this process, which one year later led to the "Options Paper".

On May 2nd 2008, the Co-Chairs presented a draft resolution regarding international environmental governance, and this draft resolution was one of the elements of discussion at the meeting on May 13th 2008, with the goal of providing an initial exchange of opinions on the resolution, as well as a discussion of other relevant topics.

The objective of this meeting was to continue the dialogue process held at the "Ministerial Conference on Environment and Sustainable Development: Challenges for International Environmental Governance" held on September 3rd and 4th in 2007 in Rio de Janeiro, as well as a continuation of the interactive dialogue of the 10th Special Session of the UNEP Governing Council/Global Ministerial Environment Forum, held on February 20th to 22nd 2008 in Monaco regarding "Environmental Governance at the International Level and United Nations Reform", and the progress made toward the elaboration of more concrete proposals aimed at strengthening the United Nations Environment Programme within the framework of United Nations reform.

With the participation of 28 countries, and the presence of Mr. Roberto Escalante, the President Pro Tempore of the Central American Commission for the Environment and Development –CCAD, Mrs. Soledad Blanco, the Director of International Affairs for the European Commission, and Mr. Achim Steiner, the Executive Director of the United National Environmental Programme, Mr. Claude Heller and Mr. Peter Maurer, Permanent Ambassador Representatives of Mexico and Switzerland to the United Nations in New York, respectively, in their capacity as facilitators of the "Informal Consultative Process on the Institutional Framework for United Nations Environmental Activities", a dialogue was initiated in order to hear initial reactions from the countries invited to the draft resolution entitled "Strengthening the Environmental Activities in the United Nations System", under the item on Agenda 16: "Follow-up to the Outcome of the Millennium Summit". Likewise, the exercise seeks to visualize the way to advance in the reform process of the environmental structure of the United Nations system.

Costa Rica's Minister of Environment and Energy, Dr. Roberto Dobles, in his capacity as Chairman of the ministerial meeting, opened the meeting with some words of welcome; he referred to the events leading up to the meeting and urged the participants to take advantage of the time for an open and fruitful discussion on International Environmental Governance.

UNEP's Executive Director offered an extensive explanation regarding environmental impacts and the urgent need to confront environmental challenges, especially biodiversity loss and its ecosystems, for which strong international cooperation and commitment is required of the countries.

He commented on the deterioration of certain areas in which there are signs pointing towards great biodiversity loss, such as the collapse of the fishing industry, which is a critical event affecting world food safety. He indicated that among other factors affecting the food chain crisis are chemical products contaminating the earth and the atmosphere, landfills and waste.

Mr. Steiner feels that despite the efforts made by governments and nations to preserve the ecosystems, there is a sense of skepticism and frustration. Nevertheless, and despite the grim indicators observed, there are many examples in our nations of how things can be done differently, where a public political framework such as the United Nations could help with this effort.

The Ambassadors of Switzerland and Mexico, in their role as facilitators of the informal consultative process, presented a summary of the organization and development of the process, and expressed the need for the United Nations to operate more efficiently and have a stronger impact on the earth through a more integrated structure based on the different treaties and specialized agencies, and that greater coherence and integration is needed between effectiveness and efficiency.

With regard to the consultative process, they feel that it has been intense and transparent, covering consultations with the Member States and with regional associations in order to gather their perceptions regarding international environmental governance. This process also included the agencies that in one way or another are engaged in environmental activities.

In June of 2007, the facilitators presented the Options Document, which covered several topics such as strengthening UNEP, scientific assessment, monitoring, early alert, multilateral agreements, regional consultations, and the Bali Strategic Plan regarding technological support and capacity building. Last May 2nd the draft resolution was officially submitted for analysis by the Member States. The project includes proposals frequently mentioned by the States, as well as some received in writing from the countries. The resolution seeks to find a consensus and to achieve balance. On May 21st an open consultation was held with the facilitators and the Member States in order to hear the points of view of the delegations, which will be analyzed to identify points of consensus, which would be included in a new revised version of the resolution.

From this consultative process, it has been determined that the nature of the debate has been evolving during the past two years, during which time the need to adopt a gradual focus has been acknowledged in order to proceed slowly through a public process that realistically and based on existing conditions adapts to the needs of the countries. There is also an awareness of the limitations that exist to improving the system, due to the legal autonomy of the treaties, which does not prevent coherence.

It is believed that the current process has not been exhausted and that steps can be taken with concrete proposals that can be adopted at the United Nations General Assembly; nevertheless, the ambassadors have expressed that it is time to stop the vicious circle of consultations and begin to make decisions.

From the consultative process subsequently developed to improve the international environmental governance system, it was expressed that Costa Rica's initiative to call for a ministerial meeting in order to exchange first impressions and observations regarding the draft resolution was timely and appropriate.

In general, the majority of the group of countries invited expressed an acceptance of and moderate satisfaction with the concepts and focus of the draft resolution. There was a high degree of convergence regarding the need to strengthen UNEP, act gradually in the advancement process, increase efficiency, strengthen the organization and improve coordination among the environmental and development organizations. Additionally, actions must be taken to end the fragmentation of the system, which would allow for greater integration and also avoid duplicated efforts and waste of funds.

One of the issues that emerged for analysis is the definition of the role of the Commission on Sustainable Development and achieving internal coherence of the entire United Nations system.

Even so, the need to have a more specific text clarifying what is needed to improve international environmental governance, and particularly with regard to UNEP and its reform and strengthening process, was emphasized.

Concern was expressed over the rise in environmental problems and the existence of growing differences between the environmental situation and its challenges and existing policies, with developing countries as those least equipped to confront them. In this sense, the need to analyze issues

such as the food crisis, focusing on what is practical and viable within the context of sustainable development and where the environment must play a new role, was expressed.

It is agreed that the status quo is not the best option; however, progress in the institutional sector considering the need for clear objectives, a mandate and an agile structure needs to be made without losing sight of the fact that the main problem is overcoming the lack of capacity, coordination, cooperation and financing in order to confront the problems.

It is agreed that a stronger commitment from the Member States and the adoption of concrete measures are necessary. Now is the time to move from discussion to action.

A group of countries spoke about the need to revise the conceptual aspect with regard to the intrinsic relationship between the environment and development, as it was felt that the resolution dealt with the environmental element of sustainable development, which could be perceived as a separation between the two concepts. Likewise, they suggested that the title of the resolution be revised to include the interrelationships, in addition to the environmental dimension, so that it will be comprehensive and consider the three pillars of sustainable development: economic development, social development and protection of the environment.

For the most part, the focus of a gradual advance has been accepted, provided that there is a clear vision of what must be achieved by the process. To which end it was suggested that the goal to be achieved in the next few years be clearly stipulated. Clear implementation mechanisms should be offered and medium-term actions should be plotted on a calendar. In this respect, some countries stated that despite the fact that gradual progress is very important a broader vision of reform to the United Nations international environmental governance system should be considered.

Several countries stressed the importance of strengthening UNEP, which must be at the forefront of the international environmental governance system, due to the emphasis on the need to evolve while striking a balance between new and existing structures, which would identify areas of concentration and reflection.

The need to prioritize and protect the organization of the functions of the various environmental agreements, the cooperation between UNEP and environmental agreements, as well as the responsibility for examining other means of financing was discussed. Universal membership in UNEP's Executive Board was suggested as a means to improve the Programme's authority.

It was felt that although the resolution deals with issues related to the formation and generation of capacities, the role of technology and science, especially with regard to new, clean technologies, is of great importance and should be emphasized. The scientific sector is key to strengthening UNEP; therefore, promoting scientific development and strengthening regional offices is vital to supporting the Member States in the development of scientific and technical knowledge. One important point is the building of capacities in the countries to use science and to concurrently elevate UNEP's scientific capacity to assist the Member States by broadening the spectrum toward the scientific community and

other scientific entities. Information technology, associations and promotion activities are also an important component and should be a priority, which entails the need to identify timely actions.

The need to improve financial assistance and support universal membership was expressed. Searching for new sources of financing to strengthen UNEP financially, including assessing options in the private sector is considered necessary. Among these options, revising financing from the environmental agreements through the Global Environmental Fund (GEF) has been proposed. As for the draft resolution, the need to strengthen its content and clarify in greater detail the actions to be taken, as well as indicating more vigorous actions leading to financial improvements, was insisted upon.

The Executive Director of UNEP stated that the experience of the Ambassadors appointed as facilitators is vital to the process and for understanding how to proceed. In their opinion, the process has advanced so much that in Brazil and Monaco, we saw that we can make progress, and at the current meeting, people are searching for a common denominator. Nonetheless, he stated that it is within the political context of the UN where we must confront development and the environment.

In 1972 the concept of authority in the environmental issue was conceived, and he stated that today, no matter which institution assumes authority, that authority must come from clear mandates, accountability and sufficient resources, including the system's ability to raise additional funds. The reality is that if there is no money, there is no authority. He expressed the will of several countries to make progress, but without additional structures; therefore, reform of the system must be gradual with measurable objectives and political commitments at the highest level.

The Ambassadors feel that many of the suggestions to improve the draft resolution are valid and deserve consideration; still a sole resolution cannot address all topics related to the issue of sustainable development, and there are issues that go beyond the task that has been assigned to them as facilitators. Despite the fact that many countries have expressed an opinion regarding the need to set deadlines and terms, they feel that at this time it is viable to take short-term actions without financial implications. In their opinion, the United Nations General Assembly must provide political guidance for dealing with the other problems. In this process convergence, commitment and a more balanced agreement with specific proposals that can identify the areas or issues of consensus and those that deserve attention must be sought out; thus progress can be made and with it we could put an end to the interminable consultative processes. Rather than a line-by-line negotiation, a negotiation with reactions to ideas, amendments or concrete proposals for improvement is expected from the delegations, in order to arrive at a revised version with a schedule establishing the next stage.

From this meeting, it can be concluded that progress has been made and maturity reached with regard to the subject matter, yet there is an outcry to advance more quickly with more concrete actions with regard to reforming the United Nations institutions, with UNEP as a priority.

The text of the draft resolution is generally considered innovative, adequate and suitable to negotiate, although some suggest the need to revise it in order to define more vigorous determinations, provide

greater detail in the actions and recommendations, offer solutions to the financing problem, establish compliance terms, as well as to identify certain issues, such as the pillars of sustainable development.

Environmental problems worsened by the food crisis and climatic changes are advancing at an accelerated pace, which makes the response capacity of the environmental institutions incompatible; nevertheless, proposals are on the table and it is up to the Member States to set the pace of progress in the negotiations, thus moving beyond the consultative stage. The environmental authorities play an important role, but more important is high-level political commitment and the responsibility to new generations.

The conclusions of this meeting can be summarized as follows:

- As agreed at the Ministerial Meeting in Rio de Janeiro in September of 2007, there is consensus regarding the idea that the "status quo" is not acceptable.

- The nature of the debate and discussions regarding international environmental governance have evolved during the last two years.

- There is agreement over gradually strengthening UNEP, despite the fact that there are differing expectations in several countries with regard to the degree of transformation that should be reached. For some the ultimate goal is to strengthen it, for others it is only an intermediary step toward the creation of some type of agency.

- Some countries stated that although gradual steps are very important, we must consider a broader vision of reform for the United Nations' international environmental governance system.

- There is a certain consensus regarding the need for the United Nations General Assembly to determine guidelines for policies to foment greater cooperation and coherence of the system with regard to environmental issues.

- With regard to proposals for short-term action, there are differences regarding the type of specific actions that should be taken. These differences will be examined in order to reach a consensus in the resolution.

- The financial issue continues to generate differences; on one hand, some donors do not want increases in the budget, and they call for greater efficiency in the use of the resources, and on the other hand, the developing countries, although they agree that there is a need for a more rational use of resources, feel that an increase in resources is needed for effective impact.

- The GEF is one of the financing mechanisms that must be revised in the international environmental governance process.

- Also discussed was the need to strike an appropriate balance between an increase in mandates in order to meet environmental challenges and the need for more financial resources, as well as an increase in the scientific capacity, capacity building in developing countries and in the generation of synergies.

- The need to respect the legal authority of the multilateral environmental agreements is acknowledged.

- The need to improve UNEP's ability to provide scientific information to those who need to make decisions, without turning it into a scientific research centre, is recognized. Furthermore, the need to support developing countries in the creation and development of their technical and scientific capacities is also acknowledged.

- Some countries feel that international environmental governance, within the framework of sustainable development, must include the three pillars: protection of the environment, economic development and social development, because stressing the issue of the environment through the pillar of environmental protection has a positive effect on the other two pillars.

- In order to determine the success of the environmental activities one must consider their real impact on the earth. Nevertheless, the resolution primarily addresses institutional aspects, with the hope that an improvement in this field will have a positive impact on the earth and consequently, achieve environmental sustainability.

- The topic of sustainable development as a new concept deserves greater consideration.

- The need to have formal and informal meetings to address the various issues generated by international environmental governance is acknowledged.

- It is agreed that a stronger commitment from the Member States and the adoption of concrete measures are needed.

- Now is the time to move from discussion to action.